



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,985	12/21/2004	Xavier Muldermans	L0008/US	3187
30522 7590 04/09/2008 KRATON POLYMERS U.S. LLC WESTHOLLOW TECHNOLOGY CENTER 3333 HIGHWAY 6 SOUTH HOUSTON, TX 77082				
EXAMINER JOHNSON, CONNIE P				
ART UNIT		PAPER NUMBER		
1795				
NOTIFICATION DATE		DELIVERY MODE		
04/09/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kratonip@kraton.com

Office Action Summary

Application No.

10/518,985

Applicant(s)

MULDERMANS ET AL.

Examiner

CONNIE P. JOHNSON

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14 and 17-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-14 and 17-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date 10/31/2007
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/26/2008 has been entered.

Response to Amendment

2. The remarks and amendment filed 2/26/2008 have been entered and fully considered.
3. Claims 11-14 and 17-30 are presented.
4. Claims 11 and 24 are amended.
5. Claims 29-30 are new.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-14 and 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Victor et al., U.S. Patent No. 6,127,094

Victor teaches a photopolymerizable composition for use in flexographic printing plates (abstract). The composition comprises an elastomer forming monomer in an amount of 25-95 mol% and a photopolymerization initiator at 0.01 to 20 wt %. The composition also has a support that comprises polyethylene terephthalate (col. 12, line 17). The photopolymerizable composition may also produce a resin relief plates for flexographic printing (col. 11, lines 55-60). Victor also teaches optional linear polymers for inclusion in the block copolymer component of the photopolymerizable composition. The composition also comprises up to 50 wt% of a thermoplastic elastomeric block polymer having a general formula of A-B-A, wherein A is a non-elastomeric polymer block with a molecular weight of 2,000 to 100,000 and B is an elastomeric polymer block having a molecular weight of 25,000 to 1,000,000 and a glass transition temperature below 10⁰C (col. 3, line 45-col. 4, line 9). Victor also teaches an ethylenically unsaturated monomer in an amount of 5 to 70 wt% in the composition. Suitable ethylenically unsaturated compounds are polyfunctional vinyl monomers such as methacrylic acid, acrylic acid and trimethylolpropane tri(meth)acrylate (col. 4, lines 45-67). The block copolymers may comprise isoprene and butadiene (col. 7, lines 51-65). Although Victor teaches block copolymers in an amount of 10 to 50 wt% in the composition, he does not specifically teach that the block copolymers are present in an 20/80 to 80/20 of isoprene/butadiene. However, it would have been obvious to one of ordinary skill in the art to use the isoprene and butadiene in a copolymer mixture of 20/80 to 80/20 because Victor teaches combining linear polymers, such as isoprene

Art Unit: 1774

and butadiene to form water-resistant resin compositions after photopolymerization (col. 3, lines 20-38 and col. 8, lines 1-25).

Response to Arguments

8. Applicant's arguments, filed 2/26/2008, with respect to the rejection(s) of claim(s) 11-14, 20-24 and 28 under 103(a) have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn.

9. Applicant argues that the amended claims 11 and 24 comprise "essentially consisting of" language and therefore limits the components of the composition whereas Victor has the thermoplastic block copolymer as an additional component.

10. Although applicant has amended claims 11 and 24, the claims not only comprise a thermoplastic block copolymer and a polymerization initiator. The composition now comprises one or more of auxiliary components, wherein the auxiliary components may comprise a group of plasticizers, aromatic resin and block co-polymers. The term consisting essentially of would allow for some components which do not materially affect the composition to be included. It cannot be understood how block co-polymers or aromatic resins can be seen as auxiliary. Therefore, the composition of Victor meets the limitations of claims 11 and 24.

11. Applicant argues that Victor teaches the thermoplastic components of the block copolymer as optional while applicant's invention discloses the thermoplastic block copolymer as required for the invention.

12. This argument is moot due to the addition of the specific auxiliary compounds added to claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Connie P. Johnson whose telephone number is 571-272-7758. The examiner can normally be reached on 7:30am-4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Connie P. Johnson
Examiner
Art Unit 1752

Art Unit: 1774

/Cynthia H Kelly/

Supervisory Patent Examiner, Art Unit 1795